IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 2175 of 2007(H)

PETITIONERS:
----

1. SABARIMALA-PAMBA CONTRACTORS AND MERCHANTS ASSOCIATION, (REG.NO.P/460/1999), PAMBA, REPRESENTED BY ITS GENERAL SECRETARY SRI.MANIVELIL SADASIVAN.

2. P.R.VIDHYADHARAN, THETTAKATTIL HOUSE, GURUNATHAMANNU (PO), PATHANAMTHITTA DISTRICT.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D. NAIR

RESPONDENTS:
----

1. KERALA STATE ELECTRICITY BOARD, VAIDYUTHI BHAVAN, PATTAM P.O., THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

2. THE EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, PATHANAMTHITTA.

3. THE TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

4. THE ASSISTANT ENGINEER, KERALA STATE ELECTRICITY BOARD, PATHANAMTHITTA.

BY ADV. SRI.NAGARAJ NARAYANAN, SC, TDB
ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 2175/2007 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE TARIFF ORDER BY THE R1 BOARD VIDE ORDER NO. 1998/2001.

EXT.P2. COPY OF THE ORDER DT. 22/1/2001 IN CMP NO. 726/2001 IN OP NO. 15667/92 BY THIS COURT.

EXT.P3. COPY OF THE JUDGMENT RENDERED BY THIS COURT. 10798/2002 DT. 30/4/2002.

EXT.P4. COPY OF THE DEMAND CUM DISCONNECTION NOTICES BY THE R4.

EXT.P5. COPY OF THE NOTIFICATION BEARING REFERENCE B.O. (FM) NO. 1530/2002 (PLG. COM. 4325/2001) THIRUVANANTHAPURAM DT. 12/11/2002.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE APPROVAL ORDER BY THE KSERC.

True copy

tga

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.2175 OF 2007

Dated this the 16th day of November, 2007

JUDGMENT

The first petitioner is a registered association of contractors and merchants engaged in various business activities in Pampa and Sabarimala. Second petitioner is one of its members. They challenge Ext.P4 notice and Ext.P5 tariff order on the ground that they have been issued in violation of the provisions of the Indian Electricity Act, 2003 and the Kerala Electricity Act Supply Code, 2005.

It is submitted by the learned senior counsel appearing for the Board that the Tariff Regulatory Commission is considering the approval the tariff order for the coming years and that the tariff order in question had already obtained the seal of approval of the said Commission. Under such circumstances, without prejudice to contentions, this writ petition is disposed of directing that the petitioners' grievances will also be considered by the Tariff Regulatory Commission, in accordance with law.

The petitioner will produce a copy of this judgment along with a representation placing their entire grievances, before the Commission for consideration.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.